S.B.Cr.Misc. Bail Petition No.3645/2004

Date of order : 03.11.2004

HON'BLE MR.H.R.PANWAR,J.

Mr. B.S.Rathore, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the learned Public Prosecutor for the State. Perused the order impugned and the challan papers.

On the basis of “Parcha Bayan” of deceased Kukaram, a first information report was lodged against Heeral Lal, who alleged to have inflicted repeated knife injuries to deceased. After investigation, police led challan against the persons named in the “Parcha Bayan” of the deceased. It appears that investigation was kept pending against main accused Heera Lal under section 173(8). However, subsequently, the police recorded the statement of Meera Bai, who is wife of main accused Heera Lal, wherein she stated that on the relevant date of occurrence, Heera Lal was with one Shanker Lal, Sarpanch, which appears to to be a plea of alibi in order to save her husband. The deceased himself made clear statement that it was Heera Lal, who caught hold him, when he started running, he was

again caught and inflicted repeated knife injuries. The petitioner appears to have been implicated on the strength of statement of Smt. Meera Bai, wife of main accused Heera Lal.

Having considered the totality of facts and circumstances of the case and looking to the fact that there being no other evidence connecting the petitioner in the commission of the crime, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and petitioner Hukam Singh s/o Bhanwar Singh Chauhan be released on bail in CR No.37/2004, P.S. Dabok (Udaipur) provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-